

## **REMARKS**

Entry of this amendment, reconsideration, and allowance are requested.

Claim 14 stands rejected under 35 U.S.C. §112, second paragraph. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is requested.

Claim 14 has been reformatted to recite the structural components as method steps as requested by the Examiner. Withdrawal of this rejection is requested.

Claims 1-5, 7, 9-10, 12-23, and 25-26 remain rejected for anticipation stand rejected under 35 U.S.C. §102 based on USP 5,850,344 to Conkright. This rejection is respectfully traversed.

Applicants do not understand the Examiner's statement in the "Response to Arguments" section of the office action: "With regard to Applicant's arguments filed 27 February 2008, it is respectfully submitted that the Examiner has applied new prior art to the amended features of amended claims 1-26 and 28-29 at the present time. As such, Applicant's remarks with regard to the application of Conkright to the amended claims are moot in light of the inclusion of the teachings of Official Notice addressed in the above Office Action." But official notice was only used by the Examiner to reject claims 6 and 29. Claims 1-5, 7, 9-10, 12-23, and 25-26 remain rejected based on Conkright alone, and the Examiner did not respond to the distinctions pointed out in Applicants' first response. It is unfortunate that the Examiner made this action final, because Applicants do not have the benefit of the Examiner's position with respect to those distinctions. If the Examiner does not find the arguments presented here persuasive, it would be appropriate and fair for the Examiner to issue another final office action, but this time with responses to the specific points raised in Applicants' prior response. In that case, the Examiner is also requested to identify by reference number the element in Conkright's Figure 1 that

corresponds to each element in each claim. This will also Applicants to better understand the Examiner's rejection for purposes of appeal.

Conkright describes a system 10 for reminding patients to take their medication at specific times. A monitoring facility 13, including a computer 36 and a patient register 50, activates a paging function at a paging system 12 when a patient is to be informed regarding drug administration. A paging signal is sent from paging transceiver 30 to a patient communicator 11 that converts the paging signal to a text display message (see Fig. 1 display 15) and to an audio signal at audio alarm 23. When the patient takes his/her medicament, he/she presses a confirmation button 22 on the patient communicator 11 to send a signal back to the monitoring facility 13. The patient communicator 11 can communicate with a medicament dispenser 25 via data ports 24 and 52, respectively, in order to lock the dispenser 25 if the ID numbers transmitted from the monitoring facility to the patient communicator do not match with an ID circuit in the dispenser. The dispenser 25 can also transmit a confirmation signal to the patient communicator 11 that medicament in fact has been administered. Further, the dispenser 25 may include a modem 56 to transmit data to the monitoring facility 13 if the paging system 12 is not functioning.

Claim 1 recites a medicament device communicating with a terminal device. Conkright fails to teach a medicament device that includes "a memory arranged for obtaining and storing in memory patient-specific information related to specific medication of the patient and information from said detector" and "a communication device for communication with a wireless communication system arranged for transmission of data related to said information related to specific medication of the patient, which transmission of data is activated depending on information from said detector." In Conkright, the dispenser 25 does not have memory that

obtains and stores “patient-specific information related to specific medication of the patient and information from said detector.” All that is disclosed are ID circuits 53 and 54. In addition, the dispenser 25 can only notify the communicator 11 that the medicament has been administered. No data related to “patient-specific information related to specific medication of the patient and information from said detector” is communicated by the dispenser 25.

The Examiner states that Konkright describes a terminal device communicating with a wireless communication system and then refers to column 4, lines 53-58. But that passage refers in fact to a monitoring computer 36 connected to a terminal 42. Terminal 42 does not communicate with a wireless communication system. Instead, terminal 42 is wire-connected to communicate with the monitoring computer 36 via I/O circuit 46.

The Examiner contends Konkright describes a memory arranged for obtaining and storing patient-specific information and refers to column 6, lines 12-19. In this text, the system memory 50 for storing patient lists is part of the monitor computer 36. Claim 1 recites “a medicament device including:...a memory arranged for obtaining and storing patient-specific information related to specific medication of the patient and information from said detector.” Claim 14 recites “storing patient-specific information related to a specific medication of the patient and information from said detector in a memory included in the medicament device.” The memory 50 in Konkright is not included in the medicament device 25 in which is what is required in the independent claims. This disparity is quite apparent looking at Figure 1 in Konkright.

For a communication device arranged for communication with a wireless communication system for transmission of data, the Examiner refers to column 4, lines 1-11. This passage refers to the patient communicator 11 and not the medicament device 25. Claims 1 and 14 recite that the communication device is included in the medicament device. Konkright’s patient

communicator 11 is not included in the medicament device 25 as required by the independent claims. Furthermore, there is no transfer of data from the patient communicator 11 related to specific medication of the patient depending on information from the detector. Rather, communicator 11 only displays a generic confirmation signal "CONFIRM" indicating that medicament has been dispensed.

Accordingly, Conkright is missing multiple features from claims 1 and 14. Any missing feature means that the rejection is improper and must be withdrawn.

Claims 6 and 9 stand rejected for obvious based on Conkright and "official notice." This rejection is respectfully traversed.

The official notice does not remedy the deficiencies in Conkright noted above. Dependent claim 6 further recites that the "patient-specific information related to specific medication of the patient and information from said detector" includes "a patient specific medication event indicating that an incorrect amount of medication was dispensed for the patient or that medication prescribed for the patient was not dispensed at a designated time." Conkright does not disclose this feature as the Examiner admits. Applicants challenge the official notice position. Official notice is for things that are notoriously well known. All that Conkright describes is sending a signal that indicates medication was dispensed. The signal does not indicate how much, by who, when, what medication, etc. The Examiner is requested to supply a reference that teaches sending a signal that includes "a patient specific medication event indicating that an incorrect amount of medication was dispensed for the patient or that medication prescribed for the patient was not dispensed at a designated time."

None of the other applied references overcome the deficiencies noted above.

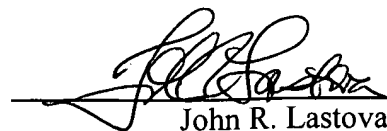
The application is in condition for allowance. An early notice to that effect is requested.

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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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